




Af/3613

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent
appln. of: Gert Berg
Serial No.: 09/619,510
Filing Date: July 19, 2000
For: SLIDE LATCH
Art Unit: 3613
Examiner: Robert A. Siconolfi
Docket No.: 414-00

Certificate of Mailing
Date of Deposit: June 20, 2002
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GROUP 3600

TRANSMITTAL LETTER

Dear Sir:

Please find enclosed the following for filing in the U.S. Patent and Trademark Office:

- 1) This Transmittal Letter;
- 2) Appeal Brief Transmittal Sheet (in duplicate);
- 3) Appeal Brief with copies of cited art (in triplicate);
- 4) Check for \$320 in payment of the fee required for filing the Appeal Brief pursuant to 37 C.F.R. 1.17(c); and
- 5) Acknowledgement post card to be date-stamped and returned to Paul and Paul.

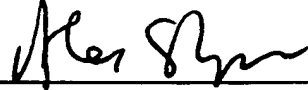
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Serial No.: 09/916,519
June 20, 2002
Page 2

June 19, 2002

Order No. 0649

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alex Sluzas', written over a horizontal line.

Alex R. Sluzas
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**TRANSMITTAL OF APPEAL BRIEF (Large Entity)**Docket No.
414-00In Re Application Of: **Gert Berg**Serial No. **09/619,519**Filing Date
July 19, 2000Examiner
Robert A. Siconolfi.Group Art Unit
3613Invention: **SLIDE LATCH****TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on

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*Signature*Dated: **June 19, 2002****RECEIVED**
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GROUP 3600**Alex R. Sluzas**
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(215) 568-4900I certify that this document and fee is being deposited on
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20231.*Signature of Person Mailing Correspondence***Alex R. Sluzas***Typed or Printed Name of Person Mailing Correspondence*

cc: Order No. 0649



TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
414-00

Application Of: Gert Berg

Serial No.
09/619,519Filing Date
July 19, 2000Examiner
Robert A. Siconolfi.Group Art Unit
3613

Invention: SLIDE LATCH

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Signature

Dated: June 19, 2002

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Alex R. Sluzas

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#10
7/9/02
T.N.
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent
appln. of: Gert Berg

Serial No.: 09/619,519

Filed: July 19, 2000

For: SLIDE LATCH

Examiner: Robert A. Siconolfi

Art Unit: 3613

Att'y Docket: 414-00

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Alex Sluzas

Alex R. Sluzas

BOARD OF PATENT APPEALS
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Commissioner for Patents
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JUL 05 2002

APPEAL BRIEF

GROUP 3600

Sir:

This appeal brief is submitted under certificate of mailing on Thursday, April 20, 2002 in support of Notice of Appeal mailed under Certificate of Mailing on May 20, 2002, in response to the Examiner's Action mailed March 1, 2002 in the above-referenced patent application finally rejecting claims 1-3 and 5-12.

I. Real Party in Interest

This application has been assigned to Southco, Inc., a Delaware corporation.

II. Related Appeals and Interferences

There are no related appeals or interferences.

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III. Status of the Claims

The claims in the application are claims 1-13.

No claims stand allowed.

Claim 4 stands objected to.

Claims 1-3 and 5-12 stand finally rejected.

The claims on appeal are claims 1-3 and 5-12.

IV. Status of Amendments

New claim 13 embodying the subject matter of objected to dependent claim 4 and the claims from which claim 4 depends was added subsequent to final rejection in the Amendment filed May 17, 2002.

V. Summary of the Invention

The present invention provides a latch of the sliding-action slam type for installation in an opening in a door panel. The latch releasably retains the door panel relative to a frame. The latch comprises a plate that is positioned above the door panel when the latch is mounted in the opening, as well as a latch body extending under the plate and through the opening. The latch body forms a central well that extends through the plate. In addition, the latch includes an actuator that extends from the latch body. The actuator releasably engages the frame and is accessible through the central well. The actuator includes an integrally formed spring means for biasing the actuator. Preferably, the actuator includes a pawl for engaging the underside of the frame when the latch is in the closed position.

Preferably, the latch also includes camming means for controlling the travel of the actuator. Preferably, the latch body includes a first and a second opposed sidewall, and the first and second sidewalls each have a respective first and second aperture formed therein. In this case, the actuator has a first and second pin extending outwardly therefrom for travel within the respective first and second aperture when the latch is operated. In this case, the apertures and pins comprise the camming means controlling the travel of the actuator when the latch is operated.

Preferably, the actuator includes (a) a rear section extending from the back of the latch, (b) a middle section adapted for movement by an operator, the middle section extending from the rear section, and (c) a pawl for engaging the underside of the frame in the closed position, the pawl extending from the middle section. Preferably, the actuator has the form of a continuous folded sheet. Preferably, the middle section comprises a rear pleat and a forward pleat, and the rear pleat and the forward pleat each comprises a pair of generally planar walls extending downwardly from a respective top portion, each respective top portion being positioned in the plane of the plate when the actuator is in the closed position. Preferably, the rear pleat is flexible and the forward pleat is rigid. Preferably, the spring means comprises the rear pleat and the rear section.

VI. Issues Presented

A. Whether the Examiner erred in his conclusion that U.S. Patent 5,358,291 ("Malmanger", see copy enclosed for Board's convenience) renders claims 1-2 and 5-12 unpatentable as anticipated under 35 U.S.C. 102(b).

B. Whether the Examiner erred in his conclusion that U.S. Patent 3,841,674 ("Bisbing", see copy enclosed for Board's convenience) renders claims 1-2 and 5-7 unpatentable as anticipated under 35 U.S.C. 102(b).

C. Whether the Examiner erred in his conclusion that the combination of Malmanger and U.S. Patent 2,878,389 ("Raffman", see copy enclosed for Board's convenience) renders claim 3 unpatentable as obvious under 35 U.S.C. 103(a).

VII. Grouping of Claims

The claims are grouped into Group A, consisting of claims 1-2; Group B, consisting of claims 5-7; Group C consisting of claims 8-12; and Group D, consisting solely of claim 3.

VIII. Argument

The Examiner's rejections are not correct, and are based on two different types of error. With respect to the claims of Groups A and D, the Examiner has misidentified certain elements of the prior art latches as corresponding to elements of the presently claimed invention, even though the structural and functional limitations of the present claims clearly distinguish from those prior art latches. With respect to the claims of Groups B and C, the Examiner has simply ignored the limitations of the claims, and has made no attempt to support his rejection of those claims with a comparison to the prior art.

A. MALMANGER DOES NOT ANTICIPATE OR SUGGEST THE INVENTION

The Group A, B and C claims stand finally rejected over Malmanger. Careful consideration and reversal of this rejection are respectfully requested as applicable to each of the Group A, Group B, and Group C claims.

In explaining this rejection, the Examiner referenced Malmanger Figure 5, pointing to plate 18, latch body 109, actuator 110, front pleat 107, 108 rear pleat 110, 114, middle section 112, pawl 116, and spring means 114. The Examiner dismissed applicant's arguments concerning this rejection by mischaracterizing those arguments as distinguishing Malmanger on the basis of an integrally formed versus discretely formed elements. However, applicant's arguments are grounded in genuine structural differences that the Examiner has simply ignored.

Malmanger does not identically disclose applicant's presently claimed invention, as claimed by any of the Group A, B or C claims.

Malmanger discloses a hatch mountable on the exterior or interior panel of a deck or bulkhead of a boat, with an improved latch. The hatch includes a hatch cover 10 received within a generally rectangular frame 12 mounted on the deck (Fig. 1).

The hatch cover 10 includes a handle receptacle 82 for receiving a slidable handle 80 (Figs. 4, 5, 6), as well as a downwardly sloping edge 18 (col. 4, lines 19-24).

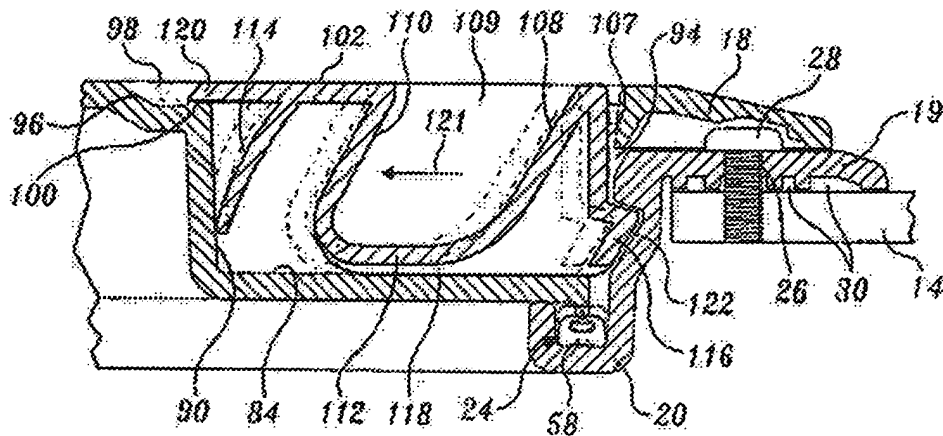


FIG. 5.

The slidable handle 80 includes a cavity 109 extending downwardly from an upper wall 102 and adapted to receive the fingers of an operator (col. 6, lines 65-67). The cavity 109 is defined by parallel front 108 and rear 110 walls that extend downwardly from the upper wall 102 of the handle 80 parallel to the front 88 of the handle receptacle and a bottom 112 that extend parallel to the bottom 84 of the handle receptacle. The front 108 and rear walls 110 slant backwards to provide the operator with a better finger grip. A "latch" 116 is located at the bottom portion of the front wall of the slidable handle 80 and is adapted to extend through a slot 94 formed in the handle receptacle in order to engage a recess or groove 122 formed in the J-shaped edge 20 of the frame when the hatch is in the closed and latched position.

Malmanger uses the term "latch" to correspond functionally with an element often described in the latch art as a "pawl" rather than a "latch."

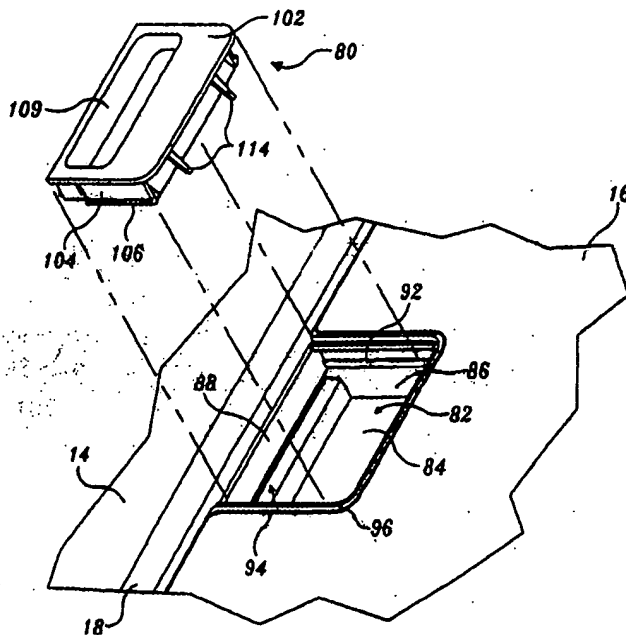


FIG. 4.

The handle 80 also includes a biasing structure having two resilient biasing members 114 extending downwardly and rearwardly from the upper wall 102 of the handle 80 (best seen in Fig. 4) in order to contact the back wall 90 of the handle receptacle. In order to unlatch the hatch, the handle 80 is slid rearwardly to disengage the latch 116 from the groove 122 and the biasing members 114 are deformed, storing energy of deformation.

Malmanger does not identically disclose the presently claimed invention, and therefore does not anticipate it as claimed by the claims of Groups A, B or C.

Group A Claims

Independent claim 1 requires that the actuator extend from the latch body for releasably engaging the frame. The actuator must include a spring means for biasing the actuator when the actuator travels from a closed to an open position.

The Examiner identifies the rear wall 110 of the cavity 109 as an “actuator”; apparently because it is the rear wall 110 that is engaged by the operator to actuate the handle. However, this “actuator” does not include spring means as required by applicant’s independent claim 1. Instead, separate biasing means 114 are provided. Further, the “actuator” 110 does not releasably engage the frame. This function is provided by the “latch” 122. Instead of consulting applicant’s disclosure to determine what applicant intends by his use of the term “actuator,” the Examiner simply identifies a portion of Malmanger’s structure that the Examiner apparently believes to perform an actuating function, and assumes that this structure meets the limitations of applicant’s claim. It does not.

Further, the fact that applicant’s latch is itself integrally formed is simply not relevant to the issue of whether claim 1 distinguishes over Malmanger. Claim 1 requires an actuator that includes a spring means that also must be integrally formed

with the rest of the actuator, i.e. the portion of the actuator that releasably engages the frame. Malmanger simply does not have any structure that meets the limitations of this element of claim 1.

If the Examiner were to choose to label enough of Malmanger's structure to include elements that accomplish both functions (i.e. as engaging the frame and biasing the latch) as an "actuator," then Malmanger would lack another required element of claim 1, namely a "latch body" with a central well, since the corresponding portion of Malmanger must also be part of the "actuator."

Consequently, Malmanger does not identically disclose applicant's invention as claimed in independent claim 1, and therefore cannot anticipate that claim.

Claim 2 adds a further limitation in that the plate must extend beyond the edges of the door and over the frame when the latch is mounted in the opening and the door is closed, so that the latch prevents inward travel of the door through the frame. In contrast, in Malmanger inward travel of the hatch cover 10 through the frame 12 is prevented by the downwardly extending J-shaped edge 20 of the inner edge of the rim 19 of the frame 12 (Figs. 2 and 5 and column 3, lines 6-64). There is no portion of the handle 80 that prevents inward travel of the handle 80 or hatch cover 10 through the frame 12. Therefore, the disclosure of Malmanger does not meet the limitations of claim 2 of the present application.

Malmanger simply does not identically meet the limitations of either of claims 1 or 2, and the rejection of the Group A claims entered under 35 U.S.C. 102(b) over Malmanger should be reversed for this reason.

Group B Claims

The claims of Group B add still further limitations, none of which are met by the Malmanger disclosure.

Claim 5 requires that the actuator include a pawl for engaging the underside of the frame in the closed position. However, as can be seen from Malmanger Fig. 5, the "pawl" 116 does not engage the underside of the frame 20, but rather a retaining groove 122 formed in the sidewall of the downwardly extending portion of the frame.

Claim 6, which depends from claim 5, requires that the pawl include at least one angled surface for engaging the edge of the frame so that the actuator is pushed back against the spring bias when the panel is slammed shut. Although not expressly described as such in Malmanger's disclosure, Malmanger's drawings disclosed an angled surface on the "latch" 116 that arguably correspond to the angled surface on the pawl required by claim 6. However, as noted above, the limitation of claim 5, from which claim 6 depends, are not met by Malmanger's disclosure. Consequently, Malmanger cannot anticipate the present invention as claimed by claim 6.

Claim 7 imposes a number of limitations on the actuator. The actuator must include a rear section extending from the back of the latch, a middle section adapted for movement by an operator, the middle section extending from the rear section, and a pawl for engaging the underside of the frame in the closed position, with the pawl extending from the middle section.

Malmanger's disclosure does not meet these limitations. First, the "actuator" in Malmanger does not include a rear section that extends from the back of the latch. When read with claim 1, which requires that the actuator extend from the latch body, this limitation is understood to require that the actuator extend from the back of the latch body. To the extent a latch body can be identified in Malmanger's disclosure, this must be the well formed in the hatch cover in which the handle is mounted. However, the handle is separately formed from the hatch cover, and thus cannot extend from any

portion of the hatch cover, in contrast with the actuator of the presently claimed invention, which must extend from the latch body at the rear of the latch, as required by claim 7.

Because each of the limitations of claim 7 are not expressly met by Malmanger's disclosure, Malmanger cannot and does not anticipate the present invention as claimed by claim 7.

Group C Claims

Claim 8 depends from claim 7 and also requires that the actuator have the form of a continuous folded sheet. Malmanger's disclosure does not meet this limitation either. In Malmanger, the "actuator" or handle includes a downwardly extending biasing member 114, which breaks up the handle so that it cannot be accurately characterized as having the form of a continuous folded sheet.

Because the limitations of claim 8 are not expressly met by Malmanger's disclosure, Malmanger cannot and does not anticipate the present invention as claimed by claim 8.

Claim 9 depends from claim 8 and adds further structural limitations. In particular, the middle section of the actuator must comprise a rear pleat and a forward pleat, with the rear pleat and the forward pleat each comprising a pair of generally planar walls extending downwardly from a respective top portion, with each respective top portion being positioned in the plane of the plate when the actuator is in the closed position.

Malmanger does not meet these structural limitations either. In particular, there is no middle section with a rear pleat and a forward pleat, with each pleat comprising a pair of generally planar walls extending downwardly from a respective top portion. Even if the front wall 107 of the handle 80 and the front wall 108 of the cavity 109 are

taken collectively as a front pleat, there is no rear pleat, in the sense of having a pair of generally planar walls extending downwardly from a top section. Although there is a generally planar rear wall 110 to the cavity that might be taken as one of the downwardly extending generally planar walls of a rear pleat, there is no corresponding second wall downwardly extending from the top of this hypothetical rear pleat. Instead, the upper wall 102 of the handle 80 extends rearwardly and horizontally.

Because the limitations of claim 9 are not expressly met by Malmanger's disclosure, Malmanger cannot and does not anticipate the present invention as claimed by claim 9.

Claim 10, depending from claim 9, adds further structural limitations that are not met by the disclosure of Malmanger. In particular, claim 10 requires that the rear pleat be flexible and the front pleat be rigid. Even if front and rear pleats are identified in Malmanger's structure as discussed above, there is no disclosure in Malmanger that one of these "pleats" would be more or less rigid than the other. In fact, Malmanger's disclosure contradicts such a hypothetical scenario. Figure 5 shows the displacement of the handle 80 backwards (for the purpose of opening the handle) in phantom. The two "pleats" show no distortion in shape whatsoever in the phantom view, denoting that there are of equal rigidity.

Because the limitations of claim 10 are not expressly met by Malmanger's disclosure, Malmanger cannot and does not anticipate the present invention as claimed by claim 10.

According to claim 11, which depends from claim 10, the spring means of the present invention comprises the rear pleat and the rear section of the actuator. In Malmanger's disclosure, the spring means comprises a pair of downwardly extending

legs or biasing members 114 (Fig. 4). Since Malmanger does not disclose a rear pleat, the spring means cannot comprise such a hypothetical rear pleat.

Because the limitations of claim 11 are not expressly met by Malmanger's disclosure, Malmanger cannot and does not anticipate the present invention as claimed by claim 11.

Claim 12 depends from claim 1, and as noted above, the limitation of claim 1 are not met by Malmanger's disclosure. Consequently, that disclosure cannot meet the limitation of claim 12 either.

Malmanger simply does not identically meet the limitations of any of claims 7-12, and the rejection of the Group B and Group C claims entered under 35 U.S.C. 102(b) over Malmanger should be reversed for this reason.

Malmanger's disclosure does not render the presently claimed invention obvious to one of ordinary skill in the art at the time the invention was made.

Malmanger discloses a handle or latch body in which the spring means is provided at the rear or one end, the pawl or latching means is provided at the front or opposite end. The operating portion or actuator, which the operator grips to open the latch, is provided *between* the spring means and the latching means.

In the presently claimed invention, the spring means is integrally formed with the actuator. There is nothing in Malmanger that would motivate one of ordinary skill in the art to modify the handle disclosed in Malmanger to provide the presently claimed invention.

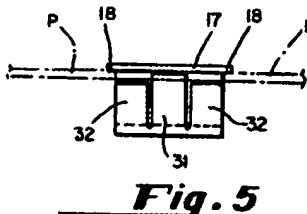
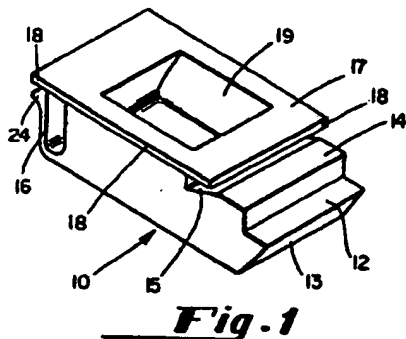
B. BISBING DOES NOT ANTICIPATE OR MAKE OBVIOUS THE SUBJECT MATTER OF CLAIMS 1-2 and 5-7.

The Group A claims and the Group B claims stand finally rejected over Bisbing.

Reversal of this rejection is respectfully requested as applicable to both Group A and Group B of the claims.

In making his final rejection, the Examiner references without explanation Figure 5 of Bisbing, and identifies element P as a plate, element 19 as a latch body, element 10 as an actuator, element 13 as a pawl, and element 16 as a spring means.

The Examiner also responded to applicant's argument against this rejection that Bisbing cannot anticipate because discrete parts are not disclosed by stating that in the present application, separate elements are not disclosed, and that the "discrete" elements are merely sections of an integrally folded sheet as in instant claim 8.



To the extent it can be understood, this rejection is clearly incorrect. The elements of Bisbing's disclosure that the Examiner identifies in making his rejection do not correspond to the limitations of any of the finally rejected claims.

Bisbing discloses element 10 to be a latch body (col. 2, lines 27-29), element 19 to be a finger cavity (col. 2, lines 33-39), element P to be a door panel (col. 2, lines 40-44), element 13 as an angled camming surface (col. 2, lines 22-26), and 16 as a resilient flexible leg (col. 2, lines 26-29).

In applicant's invention, the latch body is extends through the opening in the panel and is stationary, and only the actuator moves to releasably engage the frame.

In Bisbing's latch, the entire latch moves to releasably engage the frame (see Bisbing Fig. 4). There is a very fundamental difference between these two latches, which the Examiner overlooked in making his rejection.

Group A Claims

Bisbing does not identically disclose the present invention as claimed by the Group A claims, and therefore does not anticipate it.

As noted above, applicant's independent claim 1 requires that the actuator include an integrally formed spring means for biasing the actuator when the actuator travels from a closed to an open position. The actuator must also extend from the latch body for releasably engaging the frame.

The Examiner incorrectly identifies the finger cavity 19 as the latch body, the latch body 10 as an "actuator", the panel P as a "plate."

However, even if the parts were correctly identified, Bisbing would not identically disclose applicant's invention as claimed in independent claim 1. While Bisbing's latch body includes integrally formed spring means 15 and a frame-engaging portion or "pawl" 12, Bisbing does not disclose an actuator and a latch body as specific elements as otherwise required by applicant's independent claim 1.

Claim 1 requires an actuator with an integral spring means, and the actuator must "extend from" a latch body. The latch body must form a central well, and the well must extend through the plate.

Bisbing simply discloses too few structural elements to meet the limitations of independent claim 1. As noted above, Bisbing's element "P" is not part of the latch at all, but rather is the door panel the latch is mounted in. Element 10 can be considered an "actuator" as identified by the Examiner, but if so, then there is no element disclosed

by Bisbing corresponding to the "latch body." The element that the Examiner has identified as the "latch body" 19 is actually identified by Bisbing as a "finger cavity."

Furthermore, in applicant's claim 2, the plate extends beyond the edge of the door and over the frame when the latch is mounted in the opening and the door is closed, such the latch prevents inward travel of the door through the frame. In the Bisbing latch, no portion of the latch extends beyond the edge of the door and over the frame, so that the latch cannot prevent inward travel of the door (see Bisbing Figs. 3, 4, 8 and 10). The Bisbing latch is apparently intended for use with a door that itself extends over a portion of the frame. Thus, the limitations of applicant's claim 2 are not met by Bisbing.

Reversal of the rejection entered under 35 U.S.C. 102(b) over Bisbing is respectfully requested for these reasons with respect to the claims of Group A.

Group B Claims

Some of the claims of Group B add further limitations that are simply not met by Bisbing's disclosure.

As noted above, claim 5 requires that that the actuator include a pawl for engaging the underside of the frame in the closed position. Arguably, this is met by Bisbing's disclosure. However, if Bisbing's "actuator" is understood as identified by the Examiner, there is no structure in Bisbing corresponding to the latch body required by independent claim 1. Similarly, claim 6 requires that the pawl include at least one angled surface for engaging the edge of the frame so that the actuator is pushed back against the spring bias when the panel is slammed shut. Bisbing in fact provides for an angled camming surface 13, and this element arguably corresponds to the angled surface on the pawl required by claim 6. However, as noted above, the limitations of claim 1, from which claim 6 ultimately depends, are not met by Bisbing's disclosure.

Consequently, Bisbing cannot anticipate the present invention as claimed by claims 5 or 6.

As noted above, claim 7 imposes a number of limitations on the actuator. These include the limitation that the actuator must include a rear section extending from the back of the latch.

Bisbing's disclosure does not meet this limitation. The "actuator" that the Examiner has identified in Bisbing does not include a rear section that extends from the back of the latch. When read with claim 1, which requires that the actuator extend from the latch body, this limitation is understood to require that the actuator extend from the back of the latch body. If the "actuator" is understood as identified by the Examiner, then there is no "back of the latch" or latch body from which such an actuator can extend. Because this limitation of claim 7 cannot and is not expressly met by Bisbing's disclosure, Bisbing cannot anticipate the present invention as claimed by claim 7.

Reversal of the rejection entered under 35 U.S.C. 102(b) over Bisbing is respectfully requested for these reasons with respect to the claims of Group B.

Further, applicant's presently claimed invention is unobvious over Bisbing. There was nothing in Bisbing to suggest applicant's presently claimed invention at the time the invention was made to one of ordinary skill in the art.

Bisbing discloses various specific ways in which to bias his slam-latch (Figs. 7-12). However, in each instance, the biasing means is positioned at the rear of the latch body opposite the pawl, rather than being integrally formed with an actuator including the pawl, the actuator extending from a stationary latch body. There is nothing in Bisbing to motivate one of ordinary skill in the art to modify Bisbing to realize the presently claimed invention.

C. THE COMBINATION OF MALMANGER AND RAFFMAN DOES NOT DISCLOSE OR SUGGEST THE SUBJECT MATTER OF CLAIM 3.

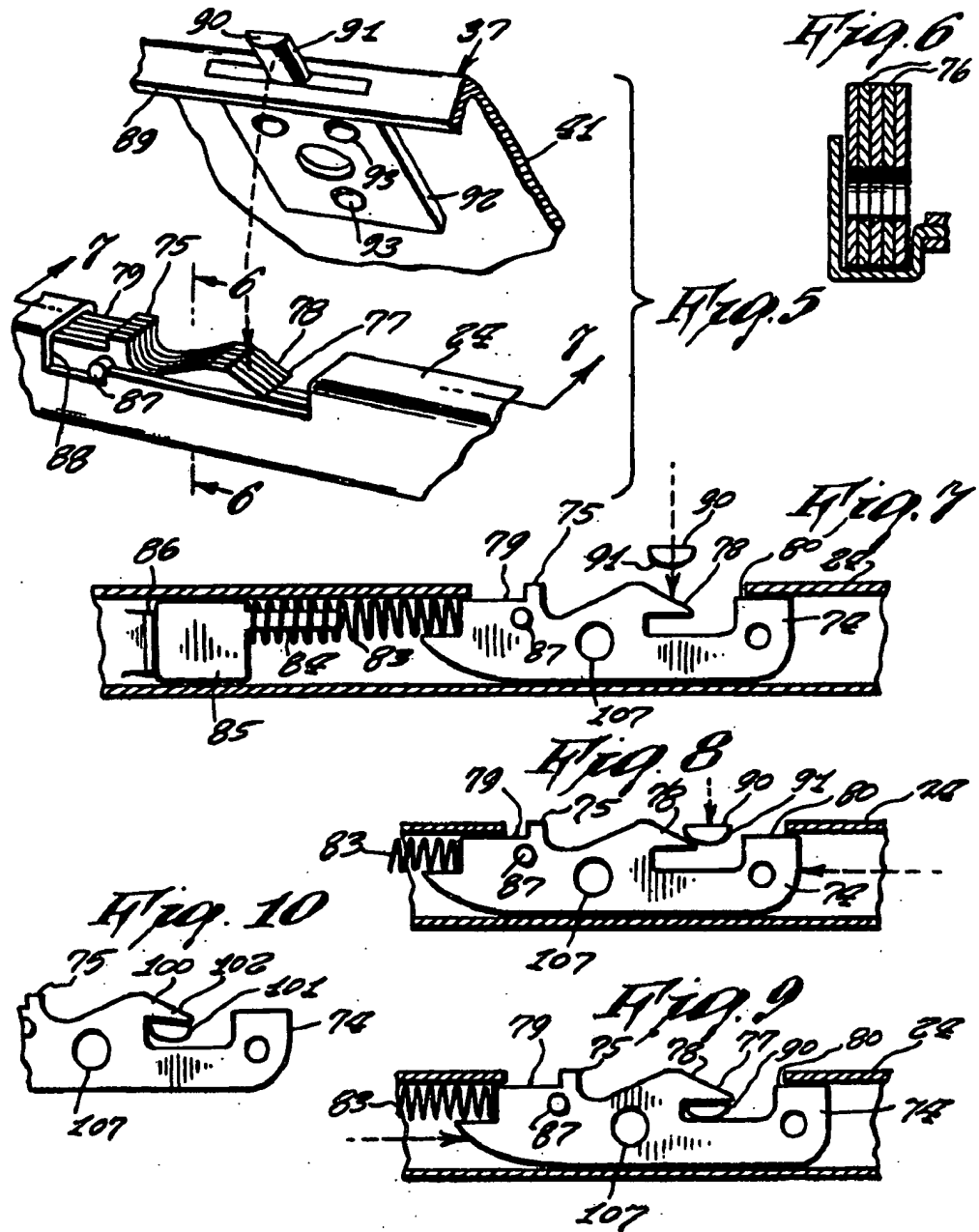
Claim 3, which itself comprises Group D of the claims as defined in this appeal brief, stands finally rejected under 35 U.S.C. 103(a) over Malmanger in view of U.S. Patent 2,878,389 ("Raffman"). Careful consideration and reversal of this rejection are respectfully requested.

The Examiner stated that Malmanger was relied upon as recited in connection with the anticipation rejection, but noted further that Malmanger does not disclose a camming surface means to guide the latch. The Examiner stated that Raffman discloses a camming means to guide the latch, referencing Figs. 1 and 4, and pin 87 and slot 88. The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a camming means to guide the latch as taught by Raffman in the latch of Malmanger in order to allow for smooth motion and preventing the latch from binding due to unintended movement.

The Examiner's conclusion was based on an incorrect factual premise, and was not correct. This final rejection should be reversed.

Raffman discloses a cassette for sealing x-ray film temporarily from the light. Raffman disclose a pair of slidable locks 74, 75, each of which has "a short stop pin 87 traveling in a short path within the open slot 88 in gap 73 to movement of the lock." Col. 5, lines 10-12.

Thus, the stop pin 87 does not guide the movement of the lock as characterized by the Examiner. Instead, the pin 87 in combination with the slot 88 merely limits the travel of the lock 74. The lock 74 is "guided" by being confined with the hollow frame 24 (Figs. 5-9).



One of ordinary skill in the art would have no motivation to combine Raffman with Malmanger, and if she did make the suggested combination, she would not arrive at the presently claimed invention.

Malmanger's handle 80 is limited to a reciprocal movement by a structure consisting of a pair of parallel ledges 92 extending from each sidewall 86 (Figs. 4 and 6; col. 6, lines 19-26). Travel of the handle 80 is limited rearward by the spring

members 114, and forward by the front wall 88 of the hatch cover (Fig. 4). Adding stop pins 87 such as disclosed by Raffman and suggested by the Examiner would provide no function. In particular, Raffman does not disclose any camming function for his stop pins 87 and slots 88, and there is nothing in Raffman, Malmanger, nor in the combination of the two that would suggest such a function, nor any structure to implement such a function, to one of ordinary skill in the art.

Because the Examiner has failed to establish a prima facie case of obviousness, the Board is respectfully requested to reverse the rejection of claim 3.

Reversal of the rejection of claim 3 entered under 35 U.S.C. 103(a) over Malmanger in view of Raffman are respectfully requested for these reasons.

IX. Conclusion

As all claims as amended are believed to be in condition for allowance, an early favorable action and reversal of the rejections entered by the Examiner are earnestly solicited.

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Respectfully submitted,



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APPENDIX

CLAIMS ON APPEAL:

1. A latch of the sliding-action slam type for installation in an opening in a door panel for releasably retaining the door panel relative to a frame, the latch being moveable between a closed position and an open position when installed in the opening in the door panel, the latch comprising
 - a) a plate, the plate being positioned above the door panel when the latch is mounted in the opening;
 - b) a latch body extending under the plate and through the opening in the panel when the latch is mounted in the panel, the latch body forming a central well, the well extending through the plate, and
 - c) an actuator extending from the latch body for releasably engaging the frame; the actuator being accessible through the central well, the actuator including an integrally formed spring means for biasing the actuator, the actuator traveling from a closed to an open position when the latch is operated against the bias of the spring means.
2. A latch according to claim 1 wherein the plate extends beyond the edge of the door and over the frame when the latch is mounted in the opening and the door is closed, the latch preventing inward travel of the door through the frame.
3. A latch according to claim 1 further comprising camming means for controlling the travel of the actuator.
5. A latch according to claim 1 wherein the actuator comprises a pawl for engaging the underside of the frame in the closed position.

6. A latch according to claim 5 wherein the pawl includes at least one angled surface for engaging the edge of the frame so that the actuator is pushed back against the spring bias when the panel is slammed shut.
7. A latch according to claim 1 wherein the actuator includes
a rear section extending from the back of the latch,
a middle section adapted for movement by an operator, the middle section extending from the rear section,
and a pawl for engaging the underside of the frame in the closed position, the pawl extending from the middle section.
8. A latch according to claim 7 wherein the actuator has the form of a continuous folded sheet.
9. A latch according to claim 8 wherein the middle section comprises a rear pleat and a forward pleat, the rear pleat and the forward pleat each comprising a pair of generally planar walls extending downwardly from a respective top portion, each respective top portion being positioned in the plane of the plate when the actuator is in the closed position.
10. A latch according to claim 9 wherein the rear pleat is flexible and the forward pleat is rigid.
11. A latch according to claim 10 wherein the spring means comprises the rear pleat and the rear section.
12. A latch according to claim 1 wherein the latch is formed from a polymeric material resistant to cyclic loading.